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DALTON McCARTHY'S REPLY

TO

SIR JOHN THOMPSON

AT THE

Mass Meeting in Toronto, April 22nd, 1889.

After a few preliminary remarks, Mr. Dalton McCarthy, who was received with loud and prolonged cheering, said :—He had been witness in his career to votes upon great questions, and he had seen both parties rally all their forces in order to make the best appearance in number in the vote they would put before the country ; and he had seen the whips scatter right and left for the purpose of drumming up those who were absent on business or pleasure, and bringing them to record their vote. But he never witnessed before, and he doubted if parliamentary history recorded such another scene as they saw on the 27th of March last, when the whips of both sides rallied all their forces—what for ? Not merely to record for or against the Government, but unanimously to put down the few men prepared to speak out, independent of party, what they believed to be in the true interests of the country. Why did the Government take this trouble ? Were they not assured of a sufficient majority when they saw Mr. David Mills rise in his place in the House and announce his intention of supporting the Administration ? When they realized that the leader of the Opposition, Mr. Laurier, was only too anxious to announce on the floor of Parliament that he was not to be bullied or hectored by the *Globe* newspaper, and that he proposed to record his vote notwithstanding the threat of the leading Liberal organ of Ontario ? Why was the Government so anxious to poll this large vote, seeing that their position was safe ? The supporters of the resolution were not in a very large majority—(laughter)—and he thought he must admit that they were rather out-talked as well. But even in that small matter they hardly got what we call British fair play. Col. O'Brien moved his resolution—(cheers)—in a speech, as all will admit, of singular moderation ; and he was entitled to a reply ; he was entitled to hear from the Treasury benches what they had to say to the accusation then made on the floor of Parliament against their action in refusing to disallow this obnoxious Bill. Then Mr. Barron, from the Opposition, and Mr. Clarke Wallace, a representative of one of the ridings adjoining this city, also assailed the policy of the Government, and yet the Treasury benches were dumb. It is true Mr. Rykert rose—(laughter and hisses)—it is true that Mr. Colby followed—(hisses)—but were we not entitled—was not a member of Parliament—no matter who he was or what he was, he was a representative of the people—was he not entitled to hear, not through Mr. Rykert's lips, who knew not what had passed in Council ; not from Mr. Colby, who occupied no position authorizing him to speak for the Government, but from some member of the Administration—(cheers)—were we not entitled to hear what were the reasons which had induced them to allow the opportunity, as it were, to pass to veto this Bill ? (Hear, hear.) When he (the speaker) rose—and he only rose when a moment further would have forever closed his lips—the Speaker of the House was on the eve of calling in the members. He rose and moved the adjournment of the debate—(hear,

hear)—and it then appeared that sooner than allow the Minister of Justice—it was not necessarily the Minister of Justice, but any Minister of the Crown, because they were all responsible, and many of them are able speakers—sooner than allow their statement to be made before he had an opportunity of addressing the House, the Government were prepared to allow the matter to go without defence from the Treasury benches. Well, the result was this: We had not sufficient men to put up. We put all our thirteen up one after the other. (Laughter.) They were quite certain to be able in the end to just speak exactly in the manner they pleased; but so soon as he (the speaker) had delivered a few observations he had to make, the Minister of Justice rose to his feet. And what was his defence as to this particular accusation which he was here now repeating? He said this was not a matter of courtesy. He said it was known that he (the speaker) was to be the one that would make the attack on the policy of the Administration, and as he on his part was the one who had been charged especially with the duty of considering the question, it was therefore necessary in the interests of the Government that the attack should be made before the defence was called for. That may be so. He did not desire to deal unfairly with him; but there were other members of the Administration who could have spoken and explained in general terms, if not in technical phraseology, why it was, and what the reasons were which had induced the Government to adopt the course that they had taken. And what was the result? The result was that if his hon. friend (Mr. Charlton), with whom he does not usually agree in political matters, but with whom he united on this occasion, at all events, to speak and vote—(cheers)—had not come to the rescue, practically the debate would have ended with the speech which the speaker, and the others on his side, had made on behalf of the cause they represented. Under the circumstances, therefore, he might be excused if they had not got—if it be so—the best of the argument. He submitted with confidence that the answers made were not very satisfactory, but nevertheless, first there was the Minister of Justice, then Mr. David Mills, then Mr. Muir, then Mr. Laurier, then Sir John Macdonald himself—(hisses)—and finally there was Sir Richard Cartwright—(hisses)—all together without any possible answer being made from our side. The subject should be divided into two separate and distinct considerations so as to be clearly understood. If the Bill was what lawyers called *ultra vires* it could be assailed in court at any time, and if so assailed would be pronounced void. (Applause.) If it be void on legal grounds it certainly should have been declared so by the Government of the Dominion. (Applause.) He believed that in the action he took in the House he represented the feelings of the majority of his fellow-countrymen. It was, however, not a question of dry law—it was a question of policy. If the law allowed such a thing, the enactment should be wiped from the statute books. Before the matter could be clearly understood, it would be necessary to look into a little history, and see whether the Jesuits, the hierarchy, or His Holiness the Pope were to control this country. When this country was ceded by the Government of France to the Crown of Great Britain, the Jesuits were dissolved so far as France was concerned. The Society of Jesus had been denounced as a body whose existence in that country, as well as in every other country where they had established themselves, was against the best interests of the people. They were dissolved and expelled from France. Had this country continued part of France, the Jesuits would have been expelled from Quebec as they had been from France herself, and from every other country in which they set foot. It was claimed that the Kings of England took from the Jesuits the estates with which they had been endowed from time to time while under the King of France. Nothing could be further from

the truth. If this country had remained under the rule of France the Jesuits would have been expelled. Consequently, they had no legal claim on this country. (A voice—"Turn them out.") He did not like the idea of answering a man's speech when the man was not present, but he should say something in answer to the arguments or statements of the Minister of Justice. He was anxious to know if he was right, and this he could only find out by looking in a man's face and watching his looks and color as indicating his feelings. It had been said by the Minister of Justice that the common law of England was not introduced into Canada at the time the country passed from France to England. The judges of the English Queen's Bench had, however, decided that the law was in the prerogative of England, and that England had full power here. The fact was that the law of England was supreme, and the old law of France, dealing with the Jesuits, became extinct. In fact, the Jesuit body could not exist in England if the law were rigidly enforced, even under the Catholic Emancipation Act. The King of England granted to the conquered people of this country that freedom of religion accorded to the people of Great Britain. It was a happy thing to know that there was freedom of religion wherever the cross of St. George waved. (Applause.) If this Society of Jesus would have been dissolved here by the French, why should they be tolerated and fostered by the English? There were other religious communities as well as the Jesuits, but so anxious was England to have justice done that directions were given to allow these societies to exist till it was ascertained whether it was necessary for the free exercise of the Roman Catholic religion that they should continue to exist. The policy of the Government was to allow the Jesuits to reside upon these estates and draw their revenues therefrom till, by lapse of time, the society came to an end. It was not until 1800 that the last of the fathers in Quebec died, and he died in the active occupation of the Jesuit Estate in the city of Quebec. The Crown having from the earliest time after the conquest announced what its policy would be, issued its writ to take possession of the estates of the Jesuits, and they belonged to the Crown of Great Britain, just as the public lands in the province acquired from the original occupants belonged to the Crown. He had stated these facts—and they were beyond contradiction—for the purpose of enabling them to determine and judge of the value attached to what was termed the moral claim. Well, the estates became the property of the Crown of Great Britain, not to be for the private purpose of the King but as a part of the public domain. As was the custom in those days, General Amherst, who was chief in command when the country was captured, and who survived Wolfe, made a claim for a recognition of his military services, and suggested that compensation should be made to him out of the Jesuit estates. The Ministers of the Crown were disposed to listen to the application, and in point of fact gave orders that the General should be compensated out of the Jesuit estates, but from one cause or other delays took place, and opposition was aroused among the French-Canadians, who claimed, and in fact insisted, that these estates had been given to the Jesuits, not as private property, but for the purpose of Christianising the heathen Indian and educating the French-Canadians, and they agitated and agitated till they got their way and the estates were made over for that purpose. In 1775 the formal order was issued dissolving the Jesuit Society and in 1785 the estates were taken possession of and became part of the public domain. In 1835, as a result of the objection made by the French-Canadians, prompted, he need scarcely say, by the hierarchy, a proclamation, a copy of which could be found in the statutes of the province, was issued setting aside these estates out of the royal domain for the purpose of education, to which purpose it said they were to be exclusively and for all time maintained. At

whose instigation was this done? Not at that of the present Jesuits; they were not born then—(laughter)—but at the instigation of the French-Canadian people, led on by their hierarchy. From that time onward, on three different occasions, and as late as the year 1856, first by the legal head of the Council of Quebec, and on two different occasions by the Parliament of United Canada, it was reaffirmed that this property must be kept exclusively for educational purposes. They now came to a little later date in history, and they found that Mr. Mercier had obtained power in Quebec. Who was he they would ask, but he was sure that before they had done with him they would know who he was and what he was. He sold himself to a portion of the hierarchy—the Jesuits of the Province of Quebec. They wanted a price for their support. What did they get? There was the old stale demand of the Jesuit. There was always some little claim of this kind unsettled, and the foundation was very skilfully laid for further demands upon the Quebec treasury on behalf of this same Company of Jesus. Mr. Mercier went to Rome and he laid himself at the feet of his Holiness, and he, the Premier of the Province of Quebec, represented to him—the representative of the Sovereign actually asked under his own hand, and it stood on record for all time—he asked permission of his Holiness to sell the public domain of the Province of Quebec. He deemed it his duty to ask his Eminence if he had any serious objection to the Government selling the property pending a final settlement of the Jesuit estates. Had they come to this?—that a premier of a British province had to sue at the feet of any foreign potentate, prince or pope, for liberty to sell British property? But he met with a very favourable reception. (Laughter.) “Illustrious Sir,”—was the reply—“I hasten to notify you that I have laid your request”—There was no mistaking this language. The Minister of Justice said that it was a piece of pantomime and a farce, and they had asked him to be arbitrator to settle the dispute between the Jesuits and the hierarchy. His Holiness did not understand it in this way, because he had told them so. He could not read anything between the lines. He did not think there was anything ambiguous or uncertain in the terms he would read. The cardinal said that he had laid the request before the Holy Father at audience yesterday, and his Holiness was pleased to grant the permission to sell this property which belonged to the Jesuits before they were suppressed, upon the express condition that the sum to be received be left to the free disposal of the Holy See. He might sell the land but the money must be left at the Pope's disposal. It did not belong to the country of Great Britain or the Province of Quebec. It was true it was considered for over one hundred years to be the property of the Crown. It really belonged to the Holy Father. (Cries of “No, no.”) He would not be fair to Mr. Mercier if he did not tell them that he found some little difficulty in acceding to this request. He found it a very delicate matter, and he would find it more delicate before it was over. In the matter of the Jesuit estates he said that the Government respectfully objected to the condition imposed. The Pope immediately replied that he would allow the Government to retain the proceeds of the sale as a special deposit to be disposed of hereafter with the sanction of the Holy See. Could they see any difference in these terms? He confessed that he did not. It satisfied Mr. Mercier, however, and the matter went on. He would now come to what the Minister of Justice had to say. He said that the real meaning of this was that Mr. Mercier asked the Pope's permission to sell the public domain? Not at all, but there was the hierarchy and the Jesuits, and they were both claiming this property and they could not settle between them whose it was. They appointed the Pope as arbitrator to determine the matter, and that was the reason that was brought forward. There was no single word or record to bear this out. It was

obtained purely from the vivid imagination of his hon. friend the Minister of Justice. He professed to bring down to Parliament all the papers which were in possession of the Government with reference to this bill when they undertook to say whether it should be allowed to go into operation or should be disallowed. He had read these papers from beginning to end, and there was no word in them to show that the Pope was ever called upon to act as an arbitrator. If the matter was not plain then, since the debate it had been made plain by the bill which the Pope had issued, and in which he coolly disregarded the whole history of the Province of Quebec and the conquest of the country by Great Britain, and ignored the British law during the few short years it had been enforced in the Province of Quebec, by which these estates were forfeited to the Crown of England. He told them that when Pope Clement the Fourteenth, by his apostolic letter of 21st July, 1773, suppressed the Society of Jesus, he transferred to the local ordinaries the jurisdiction of its superiors, and he confided to the Cardinals the execution of this letter. Each bishop was to take and retain in the name of the Holy See for use, and might determine the direction of, all estates and property of the Society of Jesus. They were not dissolved by the English law, but by a bull of the Pope himself. The Pope assumed that this was all done, and ignored the rights of Great Britain, and said in emphatic and distinct language not that it belonged to the Jesuits, but had become forfeited to the Holy See itself, and he goes on to explain how it occurred. "In Lower Canada, however, that country having had a Civil Government, those decrees were not executed to the letter"—he rather thought not—"and the then Bishop of Quebec allowed the Jesuit Fathers during their lifetimes to administer the estates in his diocese." Now for sublime coolness he knew nothing to surpass that. (Laughter.) The Crown of Great Britain allowed these old gentlemen to live upon this property, and his Holiness here, in the year 1889, coolly records, as in this decree, that the then Bishop of Quebec had allowed the Jesuits to administer the estate during their lifetime, and had not taken formal possession of it under decree of that day. Now, he hoped he was not touching upon dangerous ground; he hoped he was not saying anything to offend the conscience of the most sensitive Roman Catholic—because if the papers in Lower Canada are at liberty to criticise the acts of the Pope of Rome, surely a heretic like himself was not very far wrong. (Laughter.) He goes on, "When the last of the reverend fathers died in 1800, the civil government took possession of the Society's estates in Canada, the revenues of which were applied to public instruction; and this state of things existed after the re-establishment of the Society of Jesus by Pius VII., and even up to the year 1888." Now let us turn to the Minister of Justice's argument that this was a mere matter of calling the Pope in to settle the dispute; that the bishops had boycotted the property; that the bishops would not allow the Government to sell its own land; that the bishops had protested, so that the property in the city of Quebec could not be sold, and that it was necessary, therefore, that something should be done. So said the Minister of Justice. But what says his Holiness—and he would leave them to settle it between themselves, for it was a kind of a family quarrel, and he had better keep out of it—(laughter)—but what does he say? He says:—"At the latter date the Government of Quebec applied the compensation for the estates which the Society formerly possessed in this province." Now, is there anything more in the Minister of Justice's argument? Isn't all that fine-spun theory? The way these documents read, and the way this Bill confirms the reading, is that the Premier of Quebec went to Rome and asked liberty to sell the public lands of the province, and that the Pope of Rome graciously consented on the ground, and on the distinct understanding, that he was to

have control of the money, and when the amount of compensation was received he was to divide it up and distribute it in any way that he pleased. "The Jesuit estates," do you say? "The Jesuit Society were despoiled," do you say? Then why, in the name of common sense, didn't they get the \$400,000? (Hear, hear.) They only got \$160,000. Why did they only get that if they were the people that were robbed, injured, and despoiled? Out of two millions of dollars' worth of property the province only gives the \$400,000, and out of the \$400,000 the Jesuits only got \$160,000. The Pope evens all around. (Hear, hear.) He gives the Jesuits \$160,000, he gives the University of Laval so much more, and he gives to each of the different bishops throughout the province of Lower Canada the sum of \$10,000 apiece; and yet this is not the endowment of a Church; this is not the support of a religious body! He would like to see Mr. Mowat come down in the Local House and endow his friend Principal Caven, or the Moderator of the Presbyterian Church—(hear, hear)—or a Bill to give \$50,000 or \$100,000 to Dr. Stafford as representing the Methodist body, or \$100,000 to the Bishop of Toronto. Oh, what a row there would be! (Cheers.) Our Roman Catholic friends would not conceal the fact that they were very hardly dealt with; that they were very unjustly dealt with—(hear, hear)—and they would be, too—(hear, hear)—because if there is one thing done in this free country—and he hoped that the principle would be solidly settled before this agitation has quieted—it is that all religions are free and equal before the law. (Cheers.) We have nothing to do with the tenets of any Church. We are not here sitting in judgment upon any man's religion. (Hear, hear.) He was not professing to be able to do it, and if he was able to do it it was none of his business. But he would say that no Church in free Canada is to have any advantage over any other Church. (Cheers.) He asked if there was any moral claim in those people who coaxed the King to dedicate those estates for the purpose of education, and agitated and prevailed? (Hear, hear.) Is there any honesty in those self-same people or their descendants, having got the property settled for the purpose of education, and then turning around and claiming it as their own, and requiring it to be paid over again? He would call that an immoral claim, if asked to put an adjective to it. (Hear, hear.) He did not understand its morality. He did not understand how it could be dignified with the title of a "moral" claim. That is exactly the position these gentlemen take. Is there any morality about that? Is there any pretence of morality or honesty about that? It would require a term the very opposite to the one which is used here. Legally, they have no claim; morally, they have no claim; in any way you put it, no fair-minded man can pretend to say they had a moral claim. If, then, they had no moral claim, by what right is this Province of Quebec—by no means very rich, by no means having more money than it can spare, and just wanting some little excuse now to rap at the door of the Dominion to get a little help to carry along its ordinary affairs—what power had the province to take this \$400,000 and give it to one religious body? The property was given for educational purposes, and not for the furtherance of the Roman hierarchy in this country. If ever there was a bill which should have been disallowed by the Government of a country the Jesuits' Estates Act was that bill. (Applause.) The property ought to be devoted to the purposes for which it was originally intended. It was there for the education of the few Protestants among them, it was true, but the Society of Jesus had the best of it. (Laughter and applause.) The Protestant minority had very little to get and very little to hope for from the Jesuits. Surely the power who made this gift had the right to take it back if it so desired. The Queen of England might veto the legislation of the Parliament of Canada, but the legislation of

the provinces was under the control of the Dominion Parliament and the Governor-General. If ever there was a case to call for the interference of the Governor-General—a case in which he should step in and exercise his functions—this was one. (Applause.) The Jesuits, he held, had evidently come to stay—(A Voice, "If they are let")—and in support of the statement quoted certain letters referring to their claims on the Commons of LaPrairie. But the Protestants had yet another rival, and between the two they would be likely to be squeezed in Quebec. The Minister of Justice, in ridiculing those who opposed the bill, said "Whoever heard of a bill being disallowed because of its preamble?" An answer to the question would be that no one had ever heard of such a thing as a bill without a preamble; there never would be such a thing. If the loyal Protestants of the country came to stay, as the Jesuits did, there would never have been such a bill presented or passed. The bill read:—"Whereas, to put an end to this uneasiness"—whoever heard of any uneasiness in Quebec?—the proposals and alterations were declared "hereby ratified." Where were the things ratified, if not to be found in the preamble? (Laughter.) This was the sort of thing which afforded such pleasure and amusement in the House of Commons. He had heard of hair-splitting—in fact he had had some experience in the art—(laughter)—but he had never heard of anything so bad as the hair-splitting over this bill. The speech was unworthy of a man. He thought there was a great deal of mental reservation about it when he came to read it. He was not impressed with it. He found a great many mistakes, and he thought he would spin them out into several arguments, as the Minister of Justice did. He thought the Minister of Justice would find it difficult to make out an argument in support of this measure. As to the question of the rights of the Roman Catholics in this country, in regard to their religion, he had never denied them the privilege of conducting their religion according to their particular way of thinking. Nobody objected to the Pope, but what they did object to was his assumption in exercising any domineering power. He thought no one could doubt that the Bill ought to have been disallowed. No reasonable man can, under any excuse, think otherwise. It was, of course, a great thing for the leader of a party to be able to rely upon 40 or 50 men who were bound to vote one way. Another thing which was said, and against which he protested, was that this question was a provincial matter and that the provinces within their spheres were omnipotent, and that it was not for the Dominion Parliament or Government to sit in judgment upon them. Those gentlemen on the platform with him would not be there unless they had realized that this legislation was calculated to do injury to the whole Dominion, but according to the speech he read (Extract from Mr. Mills) the remedy was to leave it to the electors of the Province of Quebec. (Laughter.) A pretty remedy it would be. It was within their competence; it was within their power. But assuming it to be so, the remedy was to go back to Quebec; a province where, according to Mr. Colby, an Englishman was only elected to Parliament if he was a Frenchman in disguise. Mr. Colby said that he and every English-speaking member was in the House by power of the French vote. These were the citizens to whom must be handed over the rights of the Protestants of Quebec. (Applause.) Mr. Mills went further, and said that they could, if they chose, endow a religion and pass a Bill declaring that the Roman Catholic religion was the religion of the Province and it could not be touched. The argument was that you must appeal to the electors of Quebec to annul that legislation. This was not his (Mr. McCarthy's) view. (Cheers.) They were a number of provinces joined together, not simply for the purpose of collecting revenue but to build up a great Dominion, and, please God, they would succeed. (Applause.) They had taken in about

one-half of the American continent, and were they going to hand it over to the different Local Legislatures? (Applause.) The little Province of Manitoba had its legislation disallowed over and over again. The Dominion said, we have bought the province and built the C. P. R., and in the interest of the old provinces the trade of that country should not be diverted to the United States. He had supported this view, but he had always qualms of conscience and would not repeat his vote. The disallowance came to an end on account of the general interests of the country. The Streams Bill was disallowed too, and he considered that that step was right because under the pretext of a general law the property of A was taken away and handed over to B. Another instance of interference with provincial actions was in the case of Mr. Mercier's conversion of debt scheme, proposing to force the English bondholders to accept less than they wanted. The Dominion Government found that this step would damage the credit of the Dominion, and caused Mr. Mercier to withdraw this feature of his scheme by hinting at disallowance. It was said by Sir John Macdonald that if they disallowed this Bill Mr. Mercier would simply have re-enacted it, and it would have been disallowed again and there would have been an awful row. The same thing was done in the Streams Bill, but he did not think there was so much noise about it as the unfortunate Jew who swallowed the slice of pork. (Laughter.) There was not a clap of thunder, as there was when the Jew got the pork into him. He did not know why the Province of Ontario should be subjected to this kind of treatment, while the tender feelings of Quebec should be spared so carefully. He asked them not to be misled in this question of provincial rights. There was no question of province in this; the provinces had jurisdiction over their own affairs, but when they passed a law against the national life of the Dominion it was then time for the Government to step in and disallow that law; and, if there was one subject more than another on which the Government should have exercised special vigilance, it was on this of religion. Sir Alexander Galt said that the only protection the Protestant minority had in this country was in the veto power of the Governor-General. If they once allowed a year to go by before petitioning this Act there was no power by which it could be repealed. They were told that they were already too late, and that they should have petitioned against the incorporation of the Order. He believed that there had been great neglect on the part of the minority in the Province of Quebec. The electorate of Quebec was treated differently from any other province in the Dominion for the sake of their consolidated vote, and it was time that the other provinces woke up to the situation and realized where they stood. What of the future? Where was this thing to end? He was a Conservative, as he was always, and he thought in recording his vote in favour of the amendment he recorded the best Conservative vote he ever gave. If he knew what Liberal-Conservative principles were, he felt that when he exercised his power of the vote, no matter what his party friends might say, that he was then upholding the true principles of Conservatism. They were told that all this would blow over. Old political heads said that they had seen many uprisings of the people of this kind while the solid vote will remain. The future was in their hands. Did they mean now what they had said? Were they determined that when the opportunity came, and it was only in Parliament that it could come, that they would be represented by men who would make this the first principle? (Cheers and cries of "yes.") (Loud and prolonged cheering.)

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